



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,952	12/27/2000	Benoit Pol Menez	PU000187	6466

7590 04/09/2004

Joseph S. Tripoli
THOMSON multimedia Licensing Inc.
Patent Operations, P.O. Box 5312,
Two Independence Way
Princeton, NJ 08543-5312

EXAMINER

LIM, KRISNA

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,952

Applicant(s)

MENEZ, BENOIT POL

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. Claims 1-12 are presented for examination.
2. The drawing submitted with this application was declared informal by the applicant. Accordingly they have not been reviewed by a draftsman at this time. When formal drawings are submitted, the draftsman will perform a review. Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Alten et al. [U.S. Patent No. 6,396,546].
5. Alten et al. disclosed (e.g., see Figs. 1-43B) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference disclosed in a television system (an electronic television program guide schedule system, see the title and the abstract) in which at least program title information which are to be transmitted in the future is transmitted in advance to form a channel guide list, apparatus comprising:
 - a) memory means (line 6 of the abstract, database of Fig. 42, col. 12, line 2) for storing data representing the channel guide list at least one e-mail address, the memory means storing user-entered data;
 - b) data entry means for entering said user-entered data (a keypad, a user interface of Figs. 1, 3 and 4, "the user can revise the content and/or sequential order of the channels ...", col. 12, lines 17-42);
 - c) control means (a remote controller, lines 8-12 of the abstract, 184 of Fig. 18) for performing a search of said channel guide listing (180 of Figs. 18, 19, 22, 23, 28 and

Art Unit: 2153

36B) for a match to specific user-entered information (user control commands in the abstract, selected of Figs. 8-10));

c) on-screen display means for displaying text or graphic under control of said control means (lines 13-25 of the abstract, on-display of Figs. 18-29); and

means for selecting a television for program for viewing;

upon successful conclusion of said search, said control means providing at least one of the following actions: 1) notifying said user of an availability of said television program (set reminder of Fig. 13, "would you like to see a countdown on a screen jut before the show start of Fig. 23, a reminder schedule of Fig. 36B and 36D, On Screen Reminder of Fig. 36C, col. 14, lines 52-65) and 2) sending an e-mail message to the user at the at least one e-mail address to notify said user of a availability of said television program (Pay Per View Confirmation, You have requested to order ... of Fig. 24A).

6. While Alten et al. disclosed the electronic program schedule system which included specific command icons that allowed the user to electronically communicate or interact with the system (e.g., Pay Per View Confirmation or a request to order the movie, etc.), Alten et al. did not explicitly mention that this communication was done by the e-mail method. Using the e-mail method for automatically or electronically passed back and forth information between users/computers through the computer network is a well-known feature in the art at the time the invention was made. Thus, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to recognize that such using e-mail to notify the user would have been obvious existed in Alten's cable system in order for the user to electronically communicate with the electronic program schedule system.

7. As to claim 2, Alten et al. disclosed the listing to included titles or context of the television (e.g., see Fig. 18, 19, 22, 31, etc.).

8. As to claim 3, Alten et al. disclosed control means (a remote controller, lines 8-12 of the abstract, 184 of Fig. 18) controlled the on-screen means to display a list of user-entered search criteria (180 of Figs. 18, 19, 22, 23, 28 and 36B, user control commands in the abstract, selected of Figs. 8-10, lines 13-25 of the abstract, on-display of Figs. 18-29).

9. As to claims 4-5, using the e-mail method for automatically or electronically passed information back and forth between users/computers through the computer network is a well known feature in the art at the time the invention was made. Thus, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to recognize that such using e-mail to notify the user would have been obvious existed in Alten's cable system in order for the user to electronically communicate with the electronic program schedule system.

10. As to claim 6, while Alten disclosed the use of screen display icon that allowed user to enter information, Alten et al. did not explicitly detail his screen display is a screen display keyboard (e.g., a virtual keyboard). Virtual keyboard is well known feature in the art at the time of the invention was made. Thus, such implementation of a well known feature into Alten's screen display that allows user to enter data would have been a matter of using and implementing a well device to enhance his screen display.

Art Unit: 2153

11. As to claims 7-9, Atlen did not explicitly detail what kind of searching operations/functions are used in his search criteria for selecting and ordering the movie. Using logical operations such as "OR", "AND" or "NOT", "XOR" or whatever logical operations in the advance search are well known in the art the time the invention was made. Thus, such implementation of detail logical operations in the advance search would have been a matter of using and implementing well-known operations.

12. Claims 10-12 are similar in scope as of claims 1-9, and therefore claims 10-12 are rejected for the same reasons set forth above for claims 1-9.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Krisna Lim whose telephone number is (703) 305-9672. The examiner can normally be reached on Monday-Friday from 7:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenton Burgess, can be reached at (703) 305-4772. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Art Unit: 2153

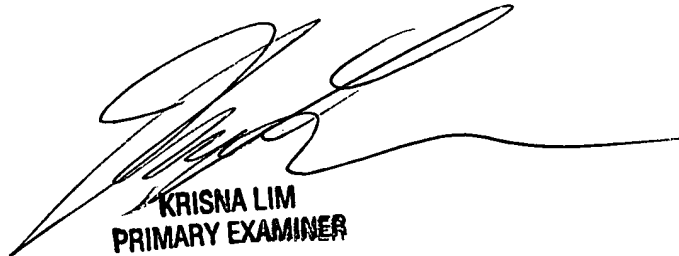
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [glen.burgess@uspto.gov].

All Internet e-mail communication will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Office Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

kl

April 2, 2004



KRISNA LIM
PRIMARY EXAMINER